IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 6872 of 1997

Between:

1 Mangalagiri Pattana Rajaka Jana Seva Sangam, Mangalgiri, Guntur rep.by Mudigonda Srinivas Rao,S/o.Masthan Rao, R/o. 7-539, Tippala Bazar, Mangalagiri , Guntur District
2 Mudigonda Srinivas Rao, S/o. Masthan Rao,
R/o. 7-539, Tipparla Bazar, Mangalagiri , Guntur Dist.

..... PETITIONERS

AND

1 Mangalagiri Municipality, rep.by its Commissioner,
Mangalagiri, Guntur District
2 District Collector, Guntur Dist.
3 Government of A.p., rep.by Secretary, Revenue Department, Secretariat, Hyderabad.
4 Vijayawada, Guntru, Tenali Urban Development Authority, rep.by its Vice Chairman, Governorpeta, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate Writ or direction or order more in the nature of Writ of Mandamus declaring the action of the 4th respondent proceeding with the lay out, development and sale of the entire land in to plots Covered by this tank bed area known as 'Garagunta' Mangalagiri, admeasuring 2 acres 0.97 cents, situated in Survey No. 311/B, and consequently a direction may be issued declaring the said action of the respondent is illegal and without any jurisdiction.

Counsel for the Petitioners: MR.G.ANJAPPA

Counsel for the Respondent No.1: MR. S. NAGESWARA REDDY, SC FOR MANGALAGIRI MUNICIPALITY

Counsel for the Respondent Nos.2 and 3: GP FOR REVENUE

Counsel for the Respondent No.4: MR. P.M. GOPAL RAO, SC FOR

VIJAYAWADA, GUNTUR, TENALI URBAN DEVELOPMENT AUTHORITY

The Court made the following :

ORDER:

The petitioners filed this writ petition, questioning the action of respondent No.4 in proceeding to develop and lay out the 'Garagunta' tank bed area admeasuring Ac.2-97 cents situated in survey No.311/B of Mangalagiri, Krishna District, into plots.

The petitioners state that the 'Garagunta' tank, which originally belonged to Guntur Taluk board, was allotted to washermen community in the year 1923 for the purpose of washing clothes, and subsequently it was vested with the Mangalagiri Municipality in the year 1969. Their grievance is that respondent No.4-Vijayawada, Guntur, Tenali, Mangalagiri Urban Development Authority (VGTM UDA), which has no right over the said tank, without following the procedure prescribed under Chapter 3 of the A.P. Urban Areas Development Act, 1975, has proceeded to develop the tank bed area into plots despite requests from respondent Nos.1 and 2 to leave the said tank for construction of Dhobi kana for washermen. Assailing the impugned action of respondent No.4, the petitioners filed the present writ petition.

The first respondent filed counter-affidavit stating that as per the proposals sent by the Vice Chairman of VGTM UDA in RC.No.31279/90, dated 18-4-1990, an extent of Ac.26-74 cents was acquired for development of satellite township, in which survey No.311-B has been converted partly as park, 40 feet wide road, and partly for residential use. It is also stated that on the representation, dated 31-8-1991 made by the petitioners and others, the Mandal Revenue Officer, Mangalagiri alienated the land of Yerra Cheruvu in survey No.39 in favour of Mangalagiri Municipality for construction of Dhobi ghat, and accordingly estimates were submitted for technical sanction.

Respondent Nos.2 and 3 filed separate counter-affidavit stating that survey No.311/B admeasuring Ac.3-97 cents, 'Garakunta' is classified as Government poramboke and it was vested with the Mangalagiri Municipality for maintenance, and now it is under alienation proposal to VGTM UDA, Vijayawada for Amaravathi township. It is stated that the petitioner has no right to use the said tank for washing clothes. It is submitted that on the representation dated 03-3-2005 made by the Rajaka Samkshema Sangam, Manglagiri, Guntur, an extent of Ac.0-25 cents in

survey No.39 ‘Yerra Cheruvu’ of Mangalagiri was allotted for the purpose of construction of Dhobi ghat and the same was handed over to the first respondent herein on 11-3-2005 vide possession certificate dated
11-3-2005, and the said fact was intimated to the General Secretary of A.P. Rajaka Jana Seva Sangham, Mangalagiri vide endorsement Rc.No.189/05, dated 14-3-2005 under acknowledgement.

The fourth respondent also filed counter-affidavit stating that the Garagunta Cheruvu is not being used for washing clothes, and that the request of the petitioners for construction of Dhobni Khana in survey No.311/B was rejected by the Government vide Memo. No.232/I2/91-92, M.A., dated 30-12-1991. It is stated that as on date the land is developed and roads are laid and plots are put for auction in the township.

Heard the learned counsel for the petitioners, learned respective standing counsel for respondents 1 and 4 and learned Government Pleader appearing for respondents 2 and 3.

Having regard to the averments made in the respective counter-affidavits filed by the respondents, and in view of the fact that in order to safeguard the interest of the washermen community, an extent of Ac.0-25 cents in survey No.39 ‘Yerra Cheruvu’ of Mangalagiri was allotted for the purpose of construction of Dhobi ghat and possession thereof was handed over to the Mangalagiri Municipality, no further orders are required to be passed in this writ petition. However, since the construction of Dhobi ghat has not been taken up, the learned counsel for the petitioners submitted that the competent authority be directed to take up and complete the construction work. Accordingly, respondent Nos.2 and 4 are directed to see that the construction of Dhobi ghat in the allotted land is taken up and completed expeditiously within a period of three months from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No costs.

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N.V. RAMANA, J

Date: 11-4-2005

Svv

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner, Mangalagiri Municipality, Mangalagiri, Guntur District
2 The District Collector, Guntur District.
3 The Secretary, Government of A.p., Revenue Department, Secretariat, Hyderabad.
4 The Vice Chairman,Vijayawada, Guntru, Tenali Urban Development Authority, Governorpeta, Vijayawada.

5 Two Ccs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT).

6 Two CD copies

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